

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

IN RE: TIMOTHY C. WHITEHURST, SR., CASE NO.: 12-73166-FJS  
Debtor. Chapter 13

NOTICE OF MOTION TO MODIFY MORTGAGE LOAN

The Debtor has filed papers with Court to Modify his Mortgage.

Your rights may be affected. You should read these papers carefully and discuss them with your Attorney, if you have one in this case. (If you do not have an Attorney, you may wish to consult one.)

If you do not want the Court to grant the Relief requested, or if you want the Court to consider your views on the Motion then, on or before October 6, 2010, you or your Attorney must file with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rules 4001(a)-1(C) and 9013-1 (H). You must mail your response to the Court for filing. You must also mail a copy to:

Clerk of Court  
United States Bankruptcy Court  
600 Granby Street, Fourth Floor  
Norfolk, VA 23510

Steve C. Taylor, Esq.  
Law Office of Steve C. Taylor  
133 Mount Pleasant Road  
Chesapeake, VA 23322

If you or your Attorney do not take the above step(s), the Court may decide you do not oppose the relief sought in the motion and may enter an Order granting the Motion without further notice or hearing.

Date: ~~September 3~~ <sup>October 3</sup>, 2012

  
Steve C. Taylor

**CERTIFICATE OF MAILING**

I do hereby certify that a copy of this Notice of Motion was mailed electronically or via U.S. Mail to the Office of the U.S. Trustee; the Debtors, the Chapter 13 Trustee, and all creditors, this ~~3rd~~ <sup>October</sup> day of September, 2012.

  
Steve C. Taylor

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State Bar # 31174  
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IN RE: TIMOTHY C. WHITEHURST, SR., CASE NO.: 12-73166-FJS  
Debtor. Chapter 13

MOTION TO MODIFY MORTGAGE LOAN

TO THE HONORABLE JUDGE FRANK J. SANTORO:

COMES NOW Timothy C. Whitehurst, Sr., Debtor, by counsel and moves the Court for authority to modify his mortgage loan, and in support thereof states as follows:

- 1) Debtor filed for Chapter 13 Bankruptcy relief on July 24, 2012.
- 2) Debtors' Chapter 13 Plan is presently un-confirmed. Debtor has one property, located on 5001 Booker Street, Chesapeake, Virginia 23320, and has a mortgage with OCWEN Loan Servicing, LLC., loan number #71340541.
- 3) Debtor desires to modify the current mortgage according to the loan modification offered by OCWEN, the terms of which are as follows:
  - a. BAC is offering to capitalize the mortgage arrears into the principal of the loan, and the amount capitalized will be approximately \$23,849.00.
  - b. The new principal balance of the loan is \$99,834.61.
  - c. The maturity date of this loan is July 1, 2034. An initial payment of \$554.80 will be required on or before 10/1/12, with monthly payments to be \$390.34 per month thereafter.
  - d. The interest rate will be 3.11869% until 10/1/2017, then 4.5% and remain fixed until the maturity of the loan.

e. The Debtor's principal and interest payments will be \$390.34 and payments will begin on October 1, 2012 and continue on the same day of each succeeding month until the loan is paid in full.

3) The legal description of the subject property located 205 Holly Cove, Franklin, Virginia 23851, is as follows:

All that certain lot, place or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, lying, situate and being in Washington Magisterial District in Norfolk, County Virginia, and designated and described on a certain plat or survey entitled "Subdivision of Crestwood Manor, Washington Magisterial District, Norfolk, County Virginia", dated August 1954, by Frank D. Tarrall, Jr., and Associates, Surveyors, and Engineers, which plat is duly of record in the Clerk's Office of the Circuit Court of Norfolk County, Virginia, in Map Books 37 at pages 37 & 38 and designated and described on said plat as Lot Number 1 in block number 0, reference to said plat is hereby made for a more particular description of said lot. It being part of the same property conveyed to the grantors herein by deed from Nicholas Chascione, dated the 20<sup>th</sup> day of October, 1954, and duly of record in the Clerk's Office of the Circuit Court of Norfolk County, in deed book 1165 at page 199.

4) The Debtor believes that modifying his loan is necessary and proper, that the Debtor is able to repay that loan upon the terms set forth above, and that the purpose for modifying his loan is so that the Debtor will be brought current on his arrearages, will have lower payments and will be able to keep his home.

5) A copy of the loan modification terms offered by OCWEN is attached to this Motion.

6) That Debtor will submit a modified I & J within 10 days of the approval of this loan modification and any other amendments as appropriate.

WHEREFORE, the Debtor respectfully request that her Motion to Modify Loan be granted as requested and for the purposes described above.

Respectfully submitted,  
TIMOTHY C. WHITEHURST, SR.,

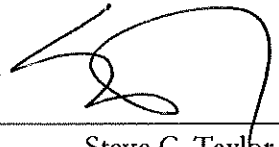
BY: 

Counsel for Debtor

#### CERTIFICATE OF MAILING

I do hereby certify that a copy of this Motion was mailed electronically or via U.S. Mail to the Office of the U.S. Trustee; the Debtors, the Chapter 13 Trustee, and all creditors, this 3<sup>rd</sup> day of ~~September~~, 2012.

*October*

  
Steve C. Taylor